

Group II, drawn to a method for detecting organophosphorous or carbamate compounds by contacting a test sample with a membrane or sol-gel in which acetylcholinesterase is immobilized, presently comprising claims 2-6.

Applicants hereby elect Group II, presently comprising claims 1 and 7-10. This election is made with traverse.

This restriction requirement is traversed on the basis of MPEP Section 803, that requires that the examiner examine the application on the merits if the search and examination of an entire application can be made without serious burden, even though it includes claims to independent or distinct inventions. Applicants respectfully submit in this regard that no such serious burden would exist, and therefore the restriction requirement should be withdrawn on the basis of the second paragraph of MPEM 803.

However, even if the examiner disagrees, applicants respectfully note that the examiner has considerable discretion in this regard, and may voluntarily choose to examine plural inventions in a single application. If the examiner is not convinced by applicants' points made above, applicants nevertheless request the examiner to exercise his

• Appln. No. 10/657,249  
Amd. dated April 5, 2006  
Reply to Office Action of March 6, 2006

discretion in this regard and to examine all of the claims on the merits.

If the election requirement is maintained, it will be clear on the record that the PTO considers the groups to be patentably distinct from one another *i.e.*, *prima facie* non-obvious from one another. This means that a reference identical to the one group would not render the other group *prima facie* obvious.

Favorable consideration and examination of all pending claims on the merits are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By



Anne M. Kornbau  
Registration No. 25,884

AMK:srd  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\E\Epa\Rogers 1\Pto\RestrictionResponse05Apr06.doc